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EXAMINER

BROWN, RUEBEN M

ART UNIT

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## **ADVISORY ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/20/11 have been fully considered but they are not persuasive. Applicant's only argument against claim 1, as found on page 9, is that "Eyer... fails to disclose wherein the displayed minor channel numbers comprise at least one minor channel number corresponding to a program of a minor channel not currently displayed on the digital television among programs of the minor channels, as recited in claim 1". Examiner's understanding of this feature is that it requires that at least one of the minor channel numbers being displayed on the TV screen, does not have the program that it is associated with, also being currently displayed on the instant TV screen. First of all, the customer's video receiving equipment shown in Eyer (5,982,411), only discloses a single decoder, decoder 110, see Fig. 1 & Fig. 2. Since there is only one decoder 110 in Eyer, col. 7, lines 19-31, the reference suggests that a only a single video program at a time is being decoded and transmitted to the attached television 150.

Secondly, examiner finds no discussion in Eyer that supports that there are multiple programs displayed simultaneously on the TV screen. Since multiple TV programs are not simultaneously shown on the TV screen, and Eyer teaches an example of displaying at least three minor channel numbers, along with its associated major channel number, the reference would necessarily read on the limitation of at least one of the minor channel numbers *not* having its

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associated programming currently displayed on the TV screen. Examiner finds no discussion or requirement that Vancelette and/or Eyer operate with a PIP or split screen. Again, since Eyer only discloses displaying one program at a time on the TV screen, whereas it discloses displaying the channel numbers for at least three minor channel numbers, then in that scenario, at least two of the minor channel numbers would *not* have their associated programming displayed on the screen, which meets the claimed limitation of a least one.

On page 10, applicant advances a different argument, with respect to claim 32. It is argued, that “Vancelette merely discusses [that] the ten channels carried in a 6 MHz bandwidth may correspond to one or more programming service providers...fails to discuss selecting a radio frequency (RF) channel corresponding to a major channel number selected by a user...”, see Vancelette (5,894,320) col. 8, lines 34-45. In other words, it appears that applicant is arguing that if in Vancelette, some of the ten channels belong to different programming service providers, then the claimed subject matter as written, would not be met. Examiner agrees. However, examiner points out that Vancelette does not limit the physical channel configuration to carrying services from more than one programming service provider. In fact, a fair reading of the citation, clearly discloses that, “the ten channels... may correspond to one or more programming service providers”, emphasis added. Thus, the citation discloses an embodiment in which all of the ten channels correspond to one and only one programming service provider, which meets the claimed subject matter.

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It is also pointed out that the next citation in that passage, discloses “Similarly, a single service provider may consume a spectrum of more than 6 MHz”. Therefore, again the reference provides an explicit teaching that a single physical channel, (e.g. an RF channel) may carry multiple sub-channels or minor channels that all are related to the same programming service provider, and thus meets the claims.

Examiner notes that applicant does not provide any argument against the other grounds of rejection of the independent claims 1 & 17, used in the most recent Final Rejection, mailed 7/12/2011. In particular, Vancelette is relied upon to teach, *‘changing a current channel to a demanded major channel...’*... *‘displaying on a television screen, as a viewing program, a program of a minor channel received through the demanded major channel’*. Furthermore, Eyer is relied upon to teach, the additionally claimed feature, *‘displaying on the digital television minor channel numbers associated with minor channels received through the demanded major channel’*. A detailed explanation of this rejection was provided in the **Response To Arguments** section of the Final Rejection, mailed 7/21/2011.

On pages 10-11, applicant goes on to argue against the rejection of claims 4 & 6, which relies upon Etheredge (6,172,674). It is argued that, “Pop-up symbols in Etheredge is directly related to buttons on [the] remote control, but fails to disclose *‘minor channel numbers’* as recited in claimed 4 and 6”. Examiner agrees that Etheredge does not explicitly disclose that the pop-up symbols are directed to minor channel numbers. However, examiner points out that under the newly adopted KSR ruling, a 103 rejection may be sustained if the combination of references

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teach the claimed subject matter and if the expected results of their combination would yield the claimed subject matter. To that end, as pointed out above Vancelette teaches a user selecting a major/minor channel numbers(s), whereas Eyer teaches a graphical user interface that enables the customer to see which minor channel numbers are associated with a particular major channel. Even though Etheredge only talks about hiding major channel numbers, since the base references are directed to minor channel numbers as well, clearly it would have been obvious for one of ordinary skill in the art to also extend the technology to the minor channel numbers.

Similarly regarding claim 36, applicant argues on pages 11-12 that since Keenan (5,161,023) is “directed related to scan lists which formerly tuned channels and an order of tuned channels... but fails to disclose displaying a program of a lowest minor channel number... and returning to said displayed minor channel number; if the minor channel number of said viewing program is not the highest number displaying a program of a higher number adjacent to the minor number...”. Again, examiner points out that properly applying KSR to the combination would provide for the wrap around feature of Keenan to be applied to the minor channel numbers, as well as the major channel numbers, which meets the claimed subject matter.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

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/Pankaj Kumar/  
Supervisory Patent Examiner, Art Unit 2424